

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ISAIAH RAMON ALLEN,

Plaintiff,

v.

DIRECTOR, TDCJ,

Defendant.

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CIVIL ACTION NO. 6:22-CV-00211-
JDK

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Isaiah Ramon Allen, proceeding *pro se*, filed this habeas action on June 6, 2022. (Docket No. 1.) The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the action. On September 23, 2022, Judge Love issued a Report, (Docket No. 12), recommending that the action be dismissed without prejudice for failure to comply with a court order. Judge Love further recommended that Petitioner be denied a certificate of appealability, *sua sponte*—which referred to this case only and would not prevent refiling. *Id.* Petitioner acknowledged receipt of the Report on September 30, 2022. (Docket No. 13.) No objections the Report were filed and the time period for filing objections has passed.


Because objections to Judge Love’s Report have not been filed, Petitioner is barred from de novo review by the District Judge of those findings, conclusions, and

recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 12) is **ADOPTED**. This federal habeas action is **DISMISSED** without prejudice to Petitioner's right to seek permission from the Fifth Circuit Court of Appeals. Petitioner is **DENIED** a certificate of appealability *sua sponte*.

So **ORDERED** and **SIGNED** this **2nd** day of **November, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE